



CITY OF MEMPHIS

COUNCIL AGENDA

April 13, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (March 23, 2010)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing Melrose Boys' Varsity Basketball Team for winning the 2010 AAA State Championship.

Halbert

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a planned development located on the south side of Quince Road, beginning 600 feet west of Kirby Parkway and extending west to Wheels Cove, containing 54.8 acres in an area currently governed by the conditions for P.D. 05-355.

Ford

Case No. PD 10-303

Applicant: KG Land, LLC (Walter Willis)
Fisher and Arnold, Inc., David Baker – Representative

Request: Amendment to Kirby Gate P.D. to add office showroom,
automobile service and restaurant with drive thru windows

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

49 NOTICES WERE MAILED ON MARCH 26, 2010

3. RESOLUTION approving a planned development located on the southwest corner of Blythe Street and Nelson Avenue, containing 0.45 acre in the Single Family Residential (RS-6) District.

Ford

Case No. PD 10-304

Applicant: MDS Realty, LLC – (Jim Petitt)
David W. Milem Consulting Engineer – Representative

Request: 1) Re-use church for storage, audio-visual recording studio, student lessons and upstairs apartment; 2) Maintain existing single family house; 3) Provide parking for drum shop staff; 4) Permit temporary tents (3 year) for special events

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

132 NOTICES WERE MAILED ON MARCH 26, 2010

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a hotel waiver for Sun Inn located at 1543 Elvis Presley Boulevard. (Held from 3/9; 3/23)

Ford

Case No. HMW 10-01

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a hotel waiver for the Raddison Hotel located at 2411 Winchester Road.

Ford

Case No. HMW 10-02

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving a use variance on the east side of Malone Road 900 feet south of Holmes and the southwest corner of Holmes Road and Pleasant Hill Road, containing 475 acres in the Agriculture (AG) District.

Ford

Case No. UV 10-01

Applicant: BFI Waste Systems of North America
Homer Branan and John Harris, Jr. – Representative

Request: Time extension to continue to operate sanitary landfill

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

7. RESOLUTION approving a use variance located on the northwest corner of Texas Street and South Parkway East, containing 0.785 acre (34,195 sq. ft.) in the Single Family Residential (R-S6) District.

Ford

Case No. UV 10-02

Applicant: Mt. Zion M. B. Church
Smith Building Design (Delinor Smith) – Representative
Request: Use Variance to allow church parking

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

8. RESOLUTION approving a use variance located on the southeast corner of Manassas Street and Wells Avenue, containing 4,000 sq. ft., in the Single-Family Residential (R-S6) District.

Ford

Case No. UV 10-03

Applicant: William H. Lee

Request: Amend site plan to enlarge a restaurant use previously approved by a use variation

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

ZONING ORDINANCE – THIRD AND FINAL READING

9. ORDINANCE rezoning the northwest side of S. Third Street; +/-191.93 feet northeast of W. Holmes Road, containing 1.21 acres in the Single Family Residential (R-S6) and Highway Commercial (C-H) Districts, up for T H I R D and F I N A L reading.

Ford

Ordinance No. 5350

Case No. Z 10-101

Applicant: Howard and Lawrence Lipman
SR Consulting, LLC - Representative

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

36 NOTICES MAILED ON MARCH 26, 2010



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

10. **ORDINANCE** to amend Chapter 21, Motor Vehicles and Traffic, Article IX, Inspection of Vehicles to require annual inspection only for vehicles four (4) years old or older, up for F I R ST reading.

Ware

Ordinance No. 5351

ACTION REQUESTED: Adopt the Ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

11. **RESOLUTION** approving final plat of LEGENDS PARK PD, PH. 3.
Case No. PD 07-338

Resolution approves the final plat located at the corner of Poplar Ave. and Ayers St.. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. **RESOLUTION** approving final plat of UPTOWN CENTER WEST SUBDIVISION.
Case No. S 09-010
Contract No. CR-5155

Resolution approves the final plat located on the southwest corner of Mill Avenue and Thomas Street. Cost of the required improvements to be borne by the Agency, Developer and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

13. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. **Case No. PD 10-305** – MEMPHIS BUSINESS ACADEMY PLANNED DEVELOPMENT, AMENDED

Located on the southeast corner of Frayser Boulevard and Overton Crossing Road, containing 2,725.50 sq. ft. of 8.32 acres and is currently governed by Memphis Business Academy Planned Development (P.D. 09-326).

Applicants: Tower Ventures V, LLC
Prime Development Group, Inc. – Representative

Request: Plan amendment to allow a cellular communications tower one-hundred sixty (160) feet in height with flush-mount antennae as an accessory structure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 27, 2010



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MLGW FISCAL CONSENT

14. RESOLUTION awarding Contract No. 11366, Retrofit of High-Pressure Underground Transmission Cable Terminations, to W. A. Chester, L.L.C., in the funded amount of \$1,398,000.00.
15. RESOLUTION approving Contract No. 11428, Other Post-Employment Benefits (OPEB) Trust Audit, with Banks, Finley, White and Company, in the funded amount of \$65,000.00.
16. RESOLUTION approving Contract No. 11429, Retirement and Pension System Audit, with Banks, Finley, White and Company, in the funded amount of \$97,500.00.
17. RESOLUTION approving Change No. 7 to Contract No. 10344, Computer Associates Combined Products, with Computer Associates International, Inc. in the funded amount of \$1,069,510.00. (This change renews the contract for a five-year term, April 28, 2010 to April 27, 2015, with a savings of \$148,070.00 for support during the term).
18. RESOLUTION approving Change No. 4 to Contract No. 10793, Professional Portfolio Software, with Advent Software, Inc. in the funded amount of \$27,550.10. (This change provides annual maintenance and software upgrade from AXYS Version 3.7 to AXYS Version 3.8, and renews the contract for the period May 11, 2010 through May 10, 2011, with a 4.35% increase from the previous year due to the software upgrade).
19. RESOLUTION approving Change No. 2 to Contract No. 11213, Meter Data Management System, with Itron, Inc. in the funded amount of \$16,501.19, for a new contract value of \$507,354.49. (This change ratifies previous invoice payments for travel in the amount of \$13,373.59 and authorizes payment of invoices for travel in the amount of \$3,127.60).
20. RESOLUTION awarding contract for mesh wire screens and accessories to Jesco Industries in the amount of \$50,645.00.

21. RESOLUTION awarding 60-month contract for distribution transformers, as follows:

Howard Industries.....	\$11,217,508.00
Central Moloney, Inc.....	1,559,399.40
ERMCO c/o Utility Sales Agency.....	1,882,170.90
CG POWER Systems USA, Inc.....	<u>6,666,261.70</u>
60-Month Total:	<u>\$21,325,340.00</u>

22. RESOLUTION approving agreement between MLGW and TVA whereby MLGW will provide \$50,000.00 to TVA's Comprehensive Services Program and TVA will match with an additional \$50,000.00. MLGW's funding (\$50,000.00) is reimbursable through federal Energy Efficiency and Conservation Block Grant (EECBG) funding.
23. RESOLUTION approving an amendment to the agreement between MLGW (acting for itself and on behalf of the City of Memphis, Tennessee) and TVA, providing arrangements pursuant to which TVA agrees to serve as the responsible party to the North American Electric Reliability Corporation (NERC) and the SERC Reliability Corporation (SERC) for MLGW's compliance with the NERC Functional Model Reliability Standards. TVA shall be paid an administrative fee of \$10,000 per month not to exceed \$80,000. This amendment will extend the contract for the period beginning May 1, 2010 and ending December 31, 2010.
24. RESOLUTION giving MLGW's Vice President and General Counsel settlement authority to pay a claim in the amount of \$37,080.47.
25. RESOLUTION approving Change No. 3 to Contract No. 10929, Licensing Agreement between MLGW and E-Source, Inc., in the funded amount of \$187,700.00. (This change renews the contract for the term May 1, 2010 to April 30, 2011, removes the Managed Account Service (MAS), and adds the Business Markets Service).
26. RESOLUTION approving Change No. 1 to Contract No. 11277, Emergency Generator for Shaw Pumping Station, with Tri-State Armature & Electrical Works, Inc., in the funded amount of \$6,333.00, for a new contract value of \$1,679,980.00. (This change covers the relocation of Veeder Root (VR) conduits to prevent overfilling and spilling, and a two-man operating crew).
27. RESOLUTION awarding 60-month strategic alliance contract covering the period May 3, 2010 to May 2, 2015, for substation metal-clad switchgear complexes to AZZ/Central Electric Manufacturing Company c/o HV Sales Company, Inc. in an amount not to exceed \$15,000,000.00.
28. RESOLUTION approving exercise of option to extend contract with Pencco, Inc. for a second 12-month period, May 20, 2010 to May 19, 2011, for fluorosilicic acid in the amount of \$790,432.00.
29. RESOLUTION awarding 24-month contract covering the period April 28, 2010 to April 27, 2012, for electric meter covers to Vincent Sales, Inc. in the amount of \$33,264.00.
30. RESOLUTION awarding 24-month contract covering the period April 28, 2010 to April 27, 2012, for luminaire pendants to Stuart C. Irby in the amount of \$333,880.00.
31. RESOLUTION approving payment to U. S. Department of Transportation, Department of Pipeline and Hazardous Materials Safety Administration, for pipeline user fee in the amount of \$42,142.23.



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REGULAR AGENDA

32. Strickland **APPOINTMENT**
Memphis and Shelby County Industrial Development Board

Reappointment

Mark Yates

GENERAL ORDINANCES -THIRD AND FINAL READING

33. **REFERENDUM ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) so as to repeal the procedure staggered terms and to provide for the Election of the Memphis City Council, Office of the Mayor and City Court Clerk, to Four-Year Terms, up for T H I R D and F I N A L reading. (Held from 3/23)
- Strickland Ordinance No. 5347

ACTION REQUESTED: Take whatever action Council deems advisable

34. **ORDINANCE** amending City of Memphis Code of Ordinances, Section 20-28, relative to Panhandling, up for T H I R D and F I N A L reading.
- Lowery Ordinance No. 5348

ACTION REQUESTED: Take whatever action Council deems advisable

35. **ORDINANCE** to create the City of Memphis Alcohol Impact Area, up for T H I R D and F I N A L reading.
- Lowery Ordinance No. 5349

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

36. RESOLUTION accepting an offer to purchase City owned property located adjacent to 960 South Third Street. (Held from 3/23)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

37. RESOLUTION accepting the Memphis Housing Authority transfer of Manassas School to the City of Memphis.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

38. RESOLUTION requesting the Administration to remove funding from proposed FY 2011 O&M Budget to cover costs associated with vehicle inspections.

Ware

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

39. RESOLUTION amending the FY10 Capital Improvement Budget by transferring an allocation of \$1,053,500.00 in Federal Grant Funds from Contract Construction to Architecture and Engineering, in ARRA Repaving project number PW01198. This allocation will bring funding in line with guidelines recommended by the Tennessee Department of Transportation (TDOT).

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

40. RESOLUTION amending the FY2010 Operating Budget, by appropriating \$2,000,000.00 to the MED, for a one time emergency grant, to ensure this institution's doors remain open. (Held from 2/23)

Brown

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

41. RESOLUTION amending the FY2010 Capital Improvement Budget by appropriating \$1,940,278.00 funded by G.O. Bonds-General, for the Metal Museum N. Bluff Repair, project number PW04073 and for a construction contract with Chris Hill Construction, plus Potential Uncertainties. Resolution funding emergency repairs to stabilize the bank at the National Ornamental Metal Museum to protect the Foundry Building.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION approving the Healthcare Plan recommendation.

Strickland

ACTION REQUESTED: Adopt the resolution

43. **ORDINANCE** amending Chapter 21, Article V, Code of Ordinances, City of Memphis, to update regulations regarding the operation of Bicycles within the City of Memphis, up for F I R S T reading.

Lowery

Ordinance No. 5352

ACTION REQUESTED: Adopt the ordinance on First reading

44. RESOLUTION to appropriate funds for MCS in the following amounts:

\$20,000,000.00 – May 1, 2010

\$20,000,000.00 – June 1, 2010

\$10,000,000.00 – by October 1, 2010

Lawsuits will continue as prescribed and filed and MCS agrees to pay Charter School funds, as outlined and agreed upon previously.

Halbert

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION approving a use variance located on the northwest corner of Walker Avenue and Blythe Street, containing 0.36 acre in the Single Family Residential (R-S6) District.

Ford

Case No. UV 10-05

Applicant: Cooper Young Community Farmers Market
Robin Rodriguez – Representative

Request: Community Farmer's Market

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. and 3 – Approved, as amended
4. Approved, for a 6 month hotel waiver
5. Through 7 – Approved
8. Approved, as amended
9. Through 12 – Approved
13. Public Hearing set for April 27, 2010
14. Through 18 – Approved
19. Back to Committee on April 27, 2010
20. Through 32- Approved
33. Approved, as amended
34. Approved
35. Held to April 27, 2010
36. and 37 – Approved
38. Held to May 11, 2010
39. Through 45 – Approved

ACTION TAKEN ON THE MINUTES OF MARCH 23, 2010

Approved

ACTION TAKEN ON THE MINUTES OF APRIL 13, 2010 FOR ITEMS 17, 24, 36, 41 & 45 ONLY:

Approved. Set up as Special Item #6